

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JAMES EDWIN ELLIOTT                   §  
VS.                                 §      CIVIL ACTION NO. 1:06cv339  
DIRECTOR, TDCJ-CID               §

MEMORANDUM OPINION REGARDING VENUE

Petitioner James Edwin Elliott, an inmate confined in the Billy Moore Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

## Discussion

Petitioner states that on October 6, 1994, he was convicted of indecency with a child in Upshur County, Texas. He was sentenced to 12 years imprisonment.

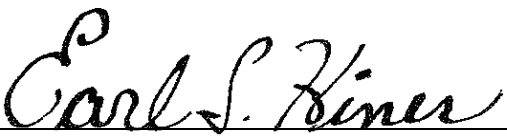
Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated.

Petitioner was convicted in Upshur County, Texas.

Pursuant to 28 U.S.C. § 124, Upshur County is in the Eastern District of Texas. However, Upshur County is located in the Marshall Division, rather than the Beaumont Division of this court. Petitioner is confined at the Billy Moore Unit, which is in Rusk County. While Rusk County is located in the Eastern District of Texas, it is located in the Tyler Division, rather than the Beaumont Division.

As petitioner was not convicted in the Beaumont Division of this court and is not confined in such division, the court is of the opinion that this matter should be transferred to the Marshall Division of this court. An appropriate transfer order shall be entered.

SIGNED this 26 day of June, 2006.

  
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EARL S. HINES  
UNITED STATES MAGISTRATE JUDGE